REMARKS/ARGUMENTS

Claims 59-92 are pending in the application. The drawings were objected to. Claims 59-85 and 88-92 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0135678 to Bacus ("Bacus"). Claims 86-87 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus and U.S. Patent No. 4,414,749 to Johannsmeier et al. ("Johannsmeier").

The claims and drawings have now been amended. No new matter is added. Reconsideration of the application in view of the following remarks is respectfully requested.

Objection to the Drawings

The drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(5) and 37 C.F.R. 1.84(p)(4).

Figs. 1 and 2 have now been amended. Reference character 42 and one of the repeated instances of reference character 21 have been removed from Fig. 1. Fig. 1 has also been amended to schematically show the electronic card designated with reference character 7, as described in the Specification, as originally filed, at paragraph [0021]. Fig. 2 has been amended to schematically show the list of names designated with reference character 72, a described in the Specification, as originally filed, at paragraph [0022]. It is respectfully submitted that no new matter has been added.

It is respectfully submitted that the drawings, as amended, comply with 37 C.F.R. 1.84(p)(4) and 1.84(p)(5). Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 59-85 and 88-92 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0135678 to Bacus ("Bacus").

Bacus describes a system and method for viewing microscopic images over a network. Bacus describes a method for capturing very detailed microscopic images of slides. See Bacus, paragraphs [0082] to [0094]. Bacus also describes a system and method for

remotely viewing the images that have been captured over a network. See Bacus, paragraphs [0095] and [0096]. With this system "it is unnecessary to provide a robotically-controlled microscope or even the original specimens themselves." See Bacus, paragraph [0008].

Independent claim 59 of the present application has now been amended so as to recite a microscope system including "a control unit configured to control functions of the microscope and to automatically adjust the adjustable subassembly to establish the setting defined by the setting data and corresponding to the image data." Similarly, independent claim 89 of the present application has now been amended so as to recite acquiring image data of an image, associating setting data defining a setting of at least one subassembly of the microscope with the image data, selecting the image and "automatically adjusting the at least one automatically adjustable subassembly using the at least one adjustable element so as to establish the setting defined by the setting data and associated with the image data. Support for these amendments can be found in the originally filed Specification at, for example, paragraphs [0004], [0006], [0015] and [0021].

It is respectfully submitted that Bacus does not disclose a microscope including control unit configured to automatically adjust a subassembly of a microscope to establish a setting defined by setting data associated with acquired image data of an image, or a method that includes a step of automatically adjust a subassembly of a microscope to establish a setting defined by setting data associated with acquired image data of an image, as respectively required by independent claims 59 and 89. In contrast, Bacus merely describes a system and method for viewing microscopic images over a network. Detailed images of slides are captured using a microscope (see Bacus, paragraphs [0082] to [0094]) and the images are then remotely viewable over a network (see Bacus paragraphs [0095] and [0096]). Nowhere does Bacus disclose a control unit or a method that includes automatically adjusting a subassembly of a microscope to establish a setting defined by setting data that corresponds to image data of an acquired image. Instead, once the images have been captured, they are only viewed over the network. As a result, Bacus explains that it is not necessary for the remote users to have a controlled microscope of the original slides. See Bacus, paragraph [0008].

Because Bacus does not disclose the above-recited features of amended independent claims 59 and 89, it is respectfully submitted that Bacus cannot anticipate these claims, or their respective dependent claims 60-88 and 90-92.

Reconsideration and withdrawal of the rejection of claims 59-85 and 88-92 under 35 U.S.C. § 102 as being anticipated by Bacus is respectfully requested.

Rejection Under 35 U.S.C. 103

Claims 86-87 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus and U.S. Patent No. 4,414,749 to Johannsmeier et al. ("Johannsmeier").

Johannsmeier describes an alignment and exposure system for a semiconductive wafer using a reference mark. See Johannsmeier, Abstract.

Claims 86 and 87 each depend from independent claim 59, which recites "a control unit configured to control functions of the microscope and to automatically adjust the adjustable subassembly to establish the setting defined by the setting data and corresponding to the image data." As set forth above with respect to the rejection under 35 U.S.C. § 102, Bacus does not disclose this feature. Nor would a person of ordinary skill in the art have had any reason to modify Bacus to include this feature. Bacus describes a system in which detailed images of slides are captured so that the already-captured images can be viewed over a network without the need for remote use a microscope. See Bacus, paragraphs [0004] to [0008]. Accordingly, there would have been no reason to modify Bacus to include automatically adjusting a subassembly of a microscope to establish a setting defined by setting data corresponding to image data, since the system of Bacus is related to viewing already-captured images over a network, without the need to access the microscope itself. With respect to Johannsmeier, that reference merely describes an alignment and exposure system for a semiconductive wafer using a reference mark. See Johannsmeier, Abstract. Thus, Johannsmeier does not cure the deficiencies of Bacus with respect to claim 59. Therefore, any combination of Bacus and Johannsmeier, to the extent proper, could not render claim 59, or any of its dependent claims 60-88, obvious.
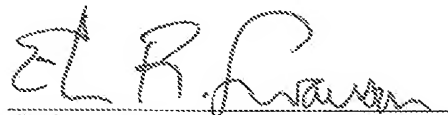
Reconsideration and withdrawal of the rejection of claims 86 and 87 under 35 U.S.C. § 103 based on a combination of Bacus and Johannsmeier is respectfully requested.

CONCLUSION

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. § 1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 12-1216.

Respectfully submitted,

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